

LEGISLATIVE AND ADMINISTRATIVE REGULATIONS IN TURKEY WITHIN THE FRAMEWORK OF KYOTO PROTOCOL

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Abstract

Kyoto Protocol which is the last phase of the idea of a need for an international corporation in order to prevent ecocide since 1970s was put into operation in 2005. Kyoto Protocol is an addition of “United Nations Framework Convention on Climate Change (UNFCCC)” which was accepted in Rio Summit. In this study first of all, the development process of Kyoto Protocol before its operation will be analyzed, the classification according to the responsibilities and development of the state parties will be dealt. Later on, what kind of solutions does the protocol bring to the climate change problem and the mechanisms that are applied for the projected declines for the emission rates will be scrutinized. Lastly, the legislative and administrative steps that have been taken in the frame of Kyoto Protocol that is effective in Turkey since 2009, and the deficiencies during the adaption process of the protocol is aimed to be put forth.

Keywords: Kyoto Protocol, Climate Change, Environment

Introduction

In the period after the Second World War, one of the fields that the increasing importance in international relationships of United Nations (UN) was reflected has become the environment. As a result of the idea of a need for states to make more collaboration concerning the environmental

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problems, especially in 1970s, several conferences under the initiative of the UN were held and various agreements were brought up taking the role of the mechanisms into consideration, which were developed by the international institutions for the protection and improvement of the environment. Now it is obvious that environment is perceived in the responsibility of the international organizations and there is a specialization on this issue (Torlak ve Ege, 2007: 49).

Thus in 1971, a report namely ‘Limits of Growth’² was published declaring that the world was in a destruction in terms of environment and ecology, and that if industrialization kept its speed, the environmental disasters that would occur in the further years would bring the end of humanity and the ecologic system. By ensuring the growing interest in environment, the report has given a ground to organization of the Stockholm Conference, Rio Summit and the agreement of the Kyoto Protocol.

Establishment of the Kyoto Protocol: Rio Summit and UNFCCC

Kyoto Protocol existed as an addition of UNFCCC that was accepted in the Rio Summit. The Rio Summit declaration which was held in 1992, defines the right of development of people and the responsibilities for the protection of the environment. In Rio Declaration, it was stated that the only way for a long term sustainable economic development is to protect the environment. It was also emphasized that this rapport could only be established by a global partnership that is based on equality and in which countries, governments, societies and nongovernmental organizations take an active role. According to the declaration, states should establish international agreements that would protect the unity of the global environment and development system (Öztunç, 2006: 78).

Another important agreement that was accepted in Rio Conference is UNFCCC. This convention mainly emphasizes on the international cooperation in the prevention of the hazardous climate changes from the point of law of nations. The main purpose of the UNFCCC is to limit the dangerous gas emissions that cause global climate changes. It puts certain responsibilities upon the countries in the frame of the determined limits. Also, it was projected for developed countries to give a support to the less developed countries on executing the responsibilities of the contract (Torlak ve Ege, 2007: 60).

The Kyoto Protocol

² The report was organized by the Rome Club that was triggering the environmental action of the era. Rome Club was established by the Italian industrialist Aurelio, Secretary General of OECD Alexander King and some Italian businessman (Torlak and Ege, 2007:55).

The Kyoto Protocol that was signed in the Kyoto city of Japan in 1997 was organized in order to keep the greenhouse gas emissions of the developed countries at the level that of in 1990. As part of this object, the main purpose of this protocol is to decrease the consumption of the fossil fuels and to control the global warming (Yaşar ve Yıldız, 2009: 114). Although the protocol was signed in 1997, it could only be put into operation and have its legal binding in 2005. There were some factors which caused a delay in Kyoto protocol. In that, the Protocol should be accepted by at least 55 countries and the states that were responsible for at least 55 percent of the total emission amount that was registered in 1990 should be included into the Protocol. The total emission rate that was 41 percent before the participation of Russian Federation have reached to 61 percent upon Russia's taking side of the Protocol (Türkeş, 2006: 8-9). There is a difference in the rates of emission reduction between the states and some blocks in Kyoto Protocol. For example, while European Union have to reduce its emission averagely about 8 percent, this rate is 7 percent in USA, 6 percent in Japanese and 0 percent in Russia (TUİK, 2009: 9).

Being signed pursuant to UNFCCC and aiming to undertake very effective works in terms of environment, Kyoto Protocol projects some provisions that the contracting parties should obey. These provisions have been stated in the 3rd head of the Protocol as this: The greenhouse emission gas of countries between 2008-2012 should be kept below at least 5 percent in comparison with 1990; particularly in the industry sector, low- energy technology should be used in all sectors; alternative energy resources should be used in order to minimize the effects to environment and more importance should be given to bio-fuels in highways ([http:// unfccc.int/ resource/docs/convkp/kpeng.html](http://unfccc.int/resource/docs/convkp/kpeng.html)).

The countries that take part of the Kyoto Protocol are categorized in two in terms of mission and class. Being classified as Annex I and Annex II, these countries have different responsibilities. Annex I countries list comprise of the industrialized states that have become a member of OECD in 1992 and the states that are in a transformation process to market economy, and these states are responsible for reducing their greenhouse gas emissions. On the other hand, Annex II countries involve the states that are responsible for technology transformation and conducting the financial investments.

Flexibility Mechanisms of Kyoto Protocol

Besides the national and international policies that aim to reduce the greenhouse gas emission of Annex I countries, there are three other flexibility mechanisms in Kyoto Protocol that would make easier for countries to reach the goals.

- **Joint implementation:** The joint implementation mechanism that is regulated in the Article 6 of the Kyoto Protocol mainly rests on the activities on the project that the state or private sector conducts in another country in order to reduce the greenhouse gas emission (UN, 1998, 6-7; Türkeş, Sümer ve Çetiner, 2000; UNFCCC, 2007). According to this flexibility mechanism, if a country, whose emission rates have been determined, executes emission reducing projects in another country that the emission rates are also determined, it gains an emissions reduction unit (ERU) and these units are deleted from the goal of the executer country (Karakaya ve Özçağ, 2003: 5).
- **Clean Development Mechanism:** This mechanism which is applied apart from Annex I and Annex II is defined in the Article 12 of the Protocol. The main purpose of this mechanism is to establish a coordinated collaboration between a country that has a certain emission goal and a less developed country that has no determined an emission goal yet and to make them conduct joint projects. The mechanism is directed by “Clean Development Mechanism Executive Board”. Clean development mechanism undertakes the role of supporting the developed countries to fulfill their responsibilities on limiting and reducing the emission. As a result of these projects, the country that has a certain emission goal earns “Certificated Emission Reductions” (CERs) and deleted from the total goal (UN, 1998: 11-12; UNFCCC, 2007).
- **Emission Trading:** Emission trade mechanism is regulated in the Article 12 of the Kyoto Protocol. By the “Emission Trade” mechanism, the states that have certain emission goals are able to do an emission trade with each other in order to accomplish the rate goals the responsibility of which they have undertaken before (UN, 1998: 15; UNFCCC, 2007). If any country in the Annex I list makes a reduction more than the determined greenhouse gas emission goal, it can sell this extra reduction to other contracting parties. Emission trade is an extremely effective mechanism in the realization of the goals of the Kyoto Protocol and is appropriate to the Protocol. In emission trade, while the biggest buyers are USA, Japanese and some EU countries, the biggest sellers are Russia, Ukraine and some East Europe countries (Karakaya ve Özçağ, 2003: 5). Flannery (2007: 198) indicates that according to this mechanism, a carbon budget for the countries would emerge, the carbon unit of the industries that cause more pollution would increase and as a result of this, the countries would prepare their own carbon budgets, interchange carbon and pay for the pollution right.

Kyoto Protocol and Turkey

During the organization phase of the Protocol in 1997, Turkey was both evaluated in Annex I and Annex II lists as an OECD country, and she also took place in both lists. However, Turkey did not want to participate in

the Protocol because of the heavy responsibilities that Annex II would bring upon. In the conference that was held in Morocco in 2001, as a result of being removed from Annex II and given special provisions, Turkey accepted to agree the Protocol (UNFCCC; 2001). Consequently, the Protocol has been put into operation by the recognition of TBMM (The Grand National Assembly of Turkey) in 2009. Turkey has shown different attitudes between the years 1992-1997 from Rio to Kyoto. While its demands before 1997 were towards to be removed from both appendix and to be provided with particular provisions, after the 3rd conference of parties in 1997, it has followed a more constructive policy. Because of its special location, Turkey is not responsible for a certain gas emission reduction as the other Annex I countries have. The European Union (EU) climate change framework that was organized in December 2012 has warranted Turkey's special condition until 2020 in the 18th conference of parties. Nevertheless, in order to clarify Turkey's special condition, following decision is taken in the Conference: The parties of Annex II that have the opportunity, within the definition of their tasks, through the Global Environment Fund (GEF) and multisided institutions, international finance institutions, other corporations and initiations, private sector or any other regulations, incites the Annex I parties whose particular conditions are recognized by the Conference of the Parties in order to execute their national climate change strategies and action plans, and to improve their low emission development strategies and plans according to 1/CP.16 coded decision and also stimulate them to provide a financial, technological, technical aid and support to capacity building (<http://www.eskarus.com/turkiyeden-haberler.aspx>).

United Nations Framework Convention on Climate Change (UNFCCC) 19th Conference of Parties (COP 19) was held in the in Warsaw on November 11-12, 2013. The position of Turkey for after 2020 is mainly constituted of two factors. One of these is to avoid from making a commitment on emission reduction as a still developing country in terms of industry; and the other is to benefit from the financial aid opportunities given to the other developing countries in order to supply the required investments on the struggle against the climate change (<http://www.tusiad.org.tr/bilgi-merkezi/fikir-ureten-fabrikadan/uluslararasi-iklim-degisikligi-gorusrmeleri-varsova-sonrasi-notlar>).

United Nations Framework Convention on Climate Change 20th Conference of Parties was held in Lima, Peru, on December 1-14, 2014. Conducted since the 16th Conference of Parties by Turkey, the negotiations for providing a support on finance, technological transformation and capacity improvement within the struggle against the climate change in Turkey have been concluded successful in the 20th Conference of Parties. In the frame of the accepted decision, the way for a support by the developed countries for a

finance, technological transformation and capacity improvement was cleared for Turkey for at least 2020. Now, with regards to this decision, Turkey will make necessary negotiations with multisided institutions and other countries, and will put the gains into operation (<http://www.csb.gov.tr/projeler /iklim /index.php?Sayfa=haberdetay&Id=16278>).

Legislative and Administrative Regulations

Legislative Regulations

The “Regulations on Monitoring of Greenhouse Gas Emissions”, which was prepared by the Ministry of Environment and Urbanization, was published in the Official Gazette dated 25.04.2012 and numbered 28274 and then, was put into operation. However, it was put away by another regulation in 17.05. 2014 dated, 29003 numbered Official Gazette and the new regulation was put into operation. The regulation was an important attempt within the struggle against the climate change and organizes the primary factors and methods about the monitoring process of the greenhouse gas emissions at the facility level and also confirmation and reporting of them. These greenhouse gas emissions are the results of the sectors that constitute a significant part of the greenhouse gas emissions such as electric and steam production, petrol refining, petro chemistry, cement, iron-steel, aluminum, brick, ceramic, lime, paper and glass production (<http:// www.altensis.com/ hizmetler/kurumsal-surdurebilirlik/karbon-yonetimi>).

By the Ministry of Environment and Urbanization, following the regulations, the “Regulation on the Monitoring and Reporting of the Greenhouse Gas Emissions” was prepared and published in 22.07.2014 dated, 29068 numbered Office Gazette. The technical details of the monitoring plan document which is the base of the follow-up process of the emissions and is responsible for providing the facilities and presenting them to the ministry, were remarked (<http:// www.csb.gov.tr/ gm/ cygm/ index.php?Sayfa=haberdetay&Id=18236>).

The “Voluntary Carbon Market Project Registration Regulation” was published in 09.11.2013 dated, 28790 numbered Official Gazette and then, was put into operation. It was prepared for the follow-up of the carbon certificates that were gained by these projects and for the registration of the projects about the Voluntary Carbon Market which was developed by the Ministry of Environment and Urbanization. The object of this regulation was to register the projects efficiently which were developed in order to reduce the greenhouse gas emission in Turkey and to gain a carbon certificate (<http://www.csb.gov.tr/gm/cygm/ index.php?Sayfa=duyurudetay&Id=4318>).

In the frame of Kyoto Protocol, so as to operate a coordination and collaboration between related institutions and organizations, the “Climate Change Coordination Commission” has been established by the 2001/2

numbered Circular; also the 2010/18 and 2012/2 numbered Circulars have been reconstructed and by the “Air Emission Coordination Commission” has been established by the 2012/22 numbered Circular. In that, the project has been to enhance the inventory of the national air emissions and the greenhouse gas emissions as to include the information about Turkey, to take the necessary precautions against the hazardous effects of the climate change, to determine the appropriate domestic and foreign policies considering the conditions of our country and to present the fundamental strategies of the emission reduction. Since the subjects of struggle against climate change and management of air emissions are related and complementary to handle together, as the related institutions and organizations are common with regard to national scale, these two subjects have been combined and transformed into a new commission so called “Climate Change and Air Management Coordination Commission”, by the Prime Minister Circular, which was published in 07.10.2013 dated, 28788 numbered Official Gazette (<http://www.csb.gov.tr/projeler/iklim/index.php?Sayfa=sayfa&Tur=webmenu&Id=12433>).

Administrative Regulations

The significance given to the climate change was gradually decreased in the In the 9th Development Plan (2007-2013). In a period that discussions over Turkey’s taking part in the Kyoto Protocol were current, it was stated in the Plan that “Considering the conditions of our country, by the participation of the related parties, a National Action Plan that presents the greenhouse gas reduction policies and precautions will be prepared and the responsibilities related to the the Contract will be executed”. Therefore, in that period, that is to say, in the economy and development bureaucracy of the association process to the Protocol, this is one of the indications of the perception of the climate policies as a threat that is getting vast. The 10th Development Plan (2014-2018) has been the most essential plan of the subject. In the plan, in which the part titled Climate Change and Environment took place for the first time, the climate change is also remarked as a risk factor in the part named “The Efficient Usage of Food, Water and Natural Resources”. Likewise, it is stated in the Plan that “the frequency of the disasters as a result of the climate change has also increased and its effects have become serious”. Unlike the other plans, this time it has been mentioned with the proposals such as green growth, clean production, and eco-efficiency; that is to say, there are signs that the climate change is not only seen as a threat, but is also perceived as an opportunity for the economic growth and development (Şahin, 2014: 37).

Turkey has prepared the “National Climate Change Strategy” in order to contribute to the global efforts for the reduction of the effects of the

climate change, according to its own particular conditions and opportunities. Besides the aims that are going to be realized in a short term such as in one year, the strategy, which is designed by the Ministry of Environment and Urbanization, includes the medium term objectives that are going to be or expected to be realized in a 1-3 year term and the long term objectives that expand for 10 years. With this strategy such as to guide the attempts for the struggle against the climate change in the period of 2010-2013, Turkey has aimed to contribute to this struggle within its possibilities in the frame of the idea of “common but differentiated responsibilities”, which is one of the main principles of the UNFCCC. Also, it presents the policies of national reduction, adaptation, technology, finance, and capacity building (ÇŞB, 2012:6)

The National Climate Change Action Plan covering the years between 2011 and 2023 was designed by the Ministry of Environment and Urbanization. Totally this plan is consisted of 49 aims, 107 missions and 541 actions in order to execute them. In 2010 National Climate Change Action Plan, which is not such of an official document confirmed by Higher Planning Council such as “National Climate Change Strategy Document”, has shown a goal in neither the aims and missions, nor in the emission reduction in the action (Algedik, 2013: 35).

Apart from the Ministry of Environment and Urbanization, other ministries also have given a place to the subject of struggle against the climate change in the documents they have prepared. In the “Turkish Struggle Strategy and Action Plan for Agricultural Drought” (2013-2017) by Ministry of Food, Agriculture and Livestock, in the “National Program and Action Plan of Reduction of the Health Effects of the Climate Change” by Ministry of Health and in the “Turkish Sustainable Development Program” by Ministry of Development, the issue of the struggle against the climate change has been cited.

Conclusion

The Kyoto Protocol encumbers certain responsibilities upon states so as to reduce their greenhouse gas emissions, and accordingly, the determined goals are achieved by using particular mechanisms. In that, by the operation of the Protocol, the developed countries will be able to produce clean technologies by the special climate change fund. Likewise, it is aimed to expedite the clean technology production adaptation process of the mentioned states by the fund for the less developed countries. In addition, through Kyoto Protocol Emission Trade Mechanism, the Annex I countries will have the opportunity to make emission trades with each other. As the developed countries can make a credit aid to the investments such are able to contribute to less developed country funds and climate projects, they will

also gain credit from the emission rates that the less developed countries reduced. Though the Kyoto Protocol is thought to be efficient and useful, there are also certain negative approaches towards it. Flannery (2007) argues that the protocol is established significantly for commercial purposes; it is a paper tiger and that the determined goals are low. On the other hand Yaşar and Yıldız (2009) think that the protocol is such as a market conflict of the developed countries to sell their technologies.

Initially, Turkey did not accept to sign the Kyoto Protocol, which is an addition of the Contract of the Climate Change; however, upon being removed from the Annex II countries list that suggests heavy responsibilities and being given special provisions, she accepted the Protocol. In the frame of the Protocol, Turkey has taken steps on energy efficiency and has shown improvements. The responsibility for greenhouse gas emission reduction constitutes a factor that can slow down the industrialization process of Turkey. Thus, in the 19th Conference of Parties held in 2013, the main approach of Turkey has been to avoid from making a commitment on emission reduction after 2020 and to benefit from the financial aid opportunities that were given to developing countries. On the other hand, Turkey has remarked that in the case of the emission rates reach to critical levels, she will perform the incumbent responsibilities. Parallel to this approach, steps such as being efficiently represented in the 19th Conference of Parties and combination of the climate management unit and air management unit have brought Turkey “Award of Fossil of the Day” by Network of Climate Action. The 20th Conference of Parties in 2014 has led a significant change in the approach of Turkey towards the Protocol. According to the decisions taken, the developed countries are going to give a finance, technology transfer and capacity building support to Turkey until 2020. Thus, Turkey will perform the necessary environmental transformations much easier without giving any harm to the industrialization process in the frame of the Protocol.

References:

- Algedik, Ö. (2013). *İklim Değişikliği Eylem Planı Değerlendirme Raporu*, Tüvik-Der Yayınları, Ankara.
- Flannery, T. (2007). *Küresel Isınmanın Öyküsü- Ölümcül Havalar*, (Çev. Zarife Biliz), Versus Kitap, İstanbul.
- Karakaya, E. ve Özçağ, M. (2003), “Türkiye Açısından Kyoto Protokolü’nün Değerlendirilmesi ve Ayırıştırma (Decomposition) Yöntemi ile CO2 Emisyonu Belirleyicilerinin Analizi”, VII. ODTÜ Ekonomi Konferansı.
- Öztunç, Ö. (2006). *Uluslararası Çevre Politikalarında BM’nin Rolü*, Unpublished Master’s Thesis, Ankara Üniversitesi Sosyal Bilimler Enstitüsü Sosyal Çevre Bilimleri Ana Bilim Dalı, Ankara.

- Şahin, Ü. (2014). *Türkiye'nin İklim Politikalarında Aktör Haritası*, Sabancı Üniversitesi İstanbul Politikalar Araştırma Merkezi Yayınları, İstanbul.
- TC. Çevre ve Şehircilik Bakanlığı (ÇŞB) (2012). *Türkiye İklim Değişikliği Stratejisi 2010-2020*, Ankara.
- Torlak, S.E. ve Ege, M. (2007). *Özel Çevre Koruma Bölgelerinin Yönetimi: Pamukkale Özel Çevre Koruma Bölgesi*, Turhan Kitapevi, Ankara.
- TUİK. (2009). *Çevre İstatistikleri: Sorularla Resmi İstatistikler Dizisi-8*, Türkiye İstatistik Kurumu Matbaası, Yayın No: 3257, Ankara.
- Türkeş, M. (2006). "Küresel İklimin Geleceği ve Kyoto Protokolü", *Jeopolitik* 29: 99-107.
- Türkes, M., Sümer, U. M. ve Çetiner, G. (2000). "Kyoto Protokolü Esneklik Mekanizmaları", *Tesisat Dergisi* 52: 84-100.
- UN. (1998). *Kyoto Protocol to the United Nations Framework Convention on Climate Change* (<http://unfccc.int/resource/docs/convkp/kpeng.pdf>) (Retrieved 12.07.2015).
- UNFCCC (2007). *The Kyoto Protocol Mechanisms*, Climate Change Secretariat, Germany (<http://unfccc.int/resource/docs/publications/mechanisms.pdf>) (Retrieved 12.07.2015).
- Yaşar, D. ve Yıldız, D. (2009). *Küresel Isıtılan Dünya ve Su*, Truva Yayınları, İstanbul.
- <http://www.altensis.com/hizmetler/kurumsal-surdurebilirlik/karbon-yonetimi>, (Retrieved 05.07.2015).
- <http://www.csb.gov.tr/gm/cygm/index.php?Sayfa=duyurudetay&Id=4318>, (Retrieved 06.07.2015)
- <http://www.csb.gov.tr/projeler/iklim/index.php?Sayfa=sayfa&Tur=webmenu&Id=12433>, (Retrieved 04.07.2015).
- <http://www.csb.gov.tr/gm/cygm/index.php?Sayfa=haberdetay&Id=18236>, (Retrieved 06.07.2015).
- <http://www.escarus.com/turkiyeden-haberler.aspx>, (Retrieved 07.07.2015).
- <http://www.csb.gov.tr/projeler/iklim/index.php?Sayfa=haberdetay&Id=16278>, (Retrieved 05.07.2015).
- <http://www.tusiad.org.tr/bilgi-merkezi/fikir-ureten-fabrikadan/uluslararası-iklim-degisikligi-gorusmeleri--varsova-sonrasi-notlar/>, (Retrieved 08.07.2015).
- <http://unfccc.int/resource/docs/convkp/kpeng.html>, (Retrieved 09.07.2015).